

FILED
Clerk
District Court

OCT 22 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

TRANS PACIFIC EXPORT
COMPANY, L.L.C.,

Plaintiff

v.

MARY ANN S. MILNE,

Defendant

Civil Action No. 05-0032

ORDER VACATING ORDER
DISMISSING LAWSUIT and
RE-OPENING FILE

This lawsuit was filed October 31, 2005. By case management scheduling order of March 31, 2006, trial was set for November 6, 2006. The docket reflects that several status and settlement conferences were set, continued at the request of the parties, and finally held during the course of the year after the complaint was

1 filed. In September, 2006, the parties represented to the court that this matter had
2 been fully settled between them and that appropriate documents would be filed with
3 the court reflecting the settlement. When no settlement documents were ever filed,
4 the court set an order to show cause for April 6, 2007. That hearing was continued
5 at the request of the parties until April 20, 2007, but was never held due to the ill
6 health of one counsel. On May 21, 2007, a substitution of counsel was filed. Since
7 that date, nothing has been filed and the court dismissed the lawsuit for failure to
8 prosecute, by order dated October 19, 2007.
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11 This morning the court received an e-mail from plaintiff's counsel, who has
12 been off-island since August 15, 2007, and is not expected to return to the island
13 until late November, 2007. The e-mail was in the nature of a motion to vacate the
14 court's order of dismissal. In it, plaintiff's counsel represented, as an officer of the
15 court, that the matter is settled except for some language in the agreement and the
16 lease, which will need the court's assistance to finalize.
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19 Since this lawsuit was originally filed, the court has participated in settlement
20 conferences in this matter, at the conclusion of which conferences both counsel and
21 the court believed settlement had been reached, only to learn later that what had
22 apparently been agreed upon was no longer acceptable. Based upon the settlement
23 conferences and the representations that the matter was settled, the court removed
24 the trial from the trial calendar.
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1 Given the labored history of this matter, and given counsel's extended
2 absence from the district, and in the interests of conserving the resources of the
3 court and the parties, and, most important, given counsel's representations as an
4 officer of the court that settlement has been reached except for some language in
5 the two agreements, the court will treat the e-mail as a properly filed motion.
6

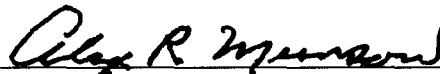
7 Accordingly,
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9 IT IS ORDERED:

10 (1) The court's October 19, 2007, order dismissing this matter be and hereby
11 is vacated and the file is re-opened; and,
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13 (2) The court will participate in a final effort to help the parties agree upon
14 mutually-acceptable language in the agreements, at a conference to begin at 8:30
15 a.m., Friday, November 30, 2007.
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17 DATED this 22nd day of October, 2007.
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22 ALEX R. MUNSON

23 Judge
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